

ENFORCEMENT

THE ENFORCEMENT PROGRAM WITHIN the Washington Department of Fish and Wildlife (WDFW) is the tenth largest law enforcement agency in Washington state, with 164 budgeted commissioned staff serving a population of nearly six million citizens. Each field officer has an assigned area designed to provide coverage and presence throughout all of Washington's 66,582 square miles. Additionally, western Washington officers patrol the 3,026 miles of Puget Sound and coastal marine waters to enforce federal and state laws.

The Washington State Legislature has given WDFW Enforcement personnel a diverse set of duties, with a broad array of responsibilities within their respective jurisdictions. Officers enforce recreational and commercial harvest regulations and ensure compliance with fish passage/diversion standards and hydraulic project requirements. They respond to dangerous bear and cougar complaints and prevent unsanitary shellfish from entering the marketplace. They provide for boating safety and enforce the criminal codes of Washington. They assess and respond to commercial agri-

cultural damage, provide education, and work with local communities. They ensure legal harvest of the state's forest products and control litter and waste in the outdoors.

Washington's human population growth has created an increase in the demand for services from Fish and Wildlife officers. In the 1999-01 Biennium, the Enforcement Program responded to increasing pressure for services in a number of areas, including the need to protect species of concern, prevent dangerous wildlife incidents and unsanitary shellfish from compromising public safety, and protect private property from damage by wildlife.

The total operating budget for the WDFW Enforcement Program in the biennium was \$28.8 million. Of that amount, \$13.9 million came from the State General Fund, \$13.6 million came from the State Wildlife Fund and the remainder from other state, federal and local sources. Fish and Wildlife officers are deployed throughout the state in communities where they live and work, and often respond to calls from the public during off-duty hours.

In 2001, WDFW consolidated all Department marine detachments under a new Marine Division to improve enforcement of state salmon regulations.



Fish and Wildlife officers maintain close working relationships with other law enforcement jurisdictions, including local police departments, county sheriffs, U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Coast Guard, and U.S. Customs. Likewise, they work closely on a day-to-day basis with Department biologists in coordinating harvest and protection regimes, assessing habitat alterations, and ensuring compliance with an assortment of permit activities.

Violations and Workload

Work assignments for Fish and Wildlife officers cover four broad areas of responsibility:

- Regulating harvest;
- Protecting fish and wildlife habitat and non-harvested species;
- Providing for public health and safety; and

- Responding to and resolving damage caused by wildlife.

In the 1999-01 Biennium, WDFW officers made more than 550,000 contacts with the public. During those contacts, officers made approximately 28,000 arrests and issued 10,000 written warnings, resulting in an overall ratio of one violation for every 14.5 contacts.

Most of the officers' time – almost 69% – was dedicated to enforcing harvest regulations. Officers also spent nearly 16% of the time regulating habitat compliance and enforcing laws governing species of concern, and almost 7% of the time was spent responding to deer and elk damage and other problem wildlife complaints. Public safety efforts, including responding to reports of dangerous bear and cougar activity, protecting shellfish sanitation and enforcement of other public safety-related laws and rules, consumed 9% of officers' time.

CONTACTS, VIOLATIONS AND COMPLIANCE

1999-2001 BIENNIUM

	FY 2000		FY 2001	
	Contacts	Arrests and Written Warnings	Contacts	Arrests and Written Warnings
REGULATING HARVEST				
Salmon & Steelhead	35,548	2,506	49,603	3,570
Trout & Warmwater Species	40,274	3,395	44,580	3,716
Shellfish	19,837	1,559	25,604	1,974
Groundfish	4,328	221	4,434	244
Sturgeon	4,392	226	4,406	329
Big Game	33,484	1,684	35,370	1,832
Migratory Birds	5,825	288	5,702	399
Game Birds	3,614	173	4,231	177
RESOURCE PROTECTION				
Dept. Lands & Access Sites	14,648	2,479	16,511	3,167
Litter, ORV, Snowmobile, and Forest Products	6,710	790	6,227	1,022
Threatened & Endangered Species	8,295	790	6,218	773
Habitat & Hydraulics	3,800	133	2,926	147
PUBLIC HEALTH & SAFETY				
Dangerous Wildlife	2,506	7	3,172	1
Boating Safety	4,936	419	5,288	639
Alcohol, Narcotics, Criminal Traffic, and other Crimes and Infractions	2,814	988	3,291	1,289
Sanitary Shellfish	834	168	357	37
PROBLEM WILDLIFE				
Damage & Wildlife Control	7,257	9	6,728	31

NOTE: Arrests/Written Warnings does not include verbal warnings.

During the biennium, officers responded to nearly 6,400 problem wildlife-related contacts, and made almost 1,700 checks on priority Hydraulic Permit Approval projects. More than 5,000 contacts were made responding to dangerous bear and cougar incidents.

Dangerous Wildlife

Within WDFW, the Enforcement Program is responsible for responding to calls from the public concerning nuisance and dangerous wildlife. Since 1996, when Initiative 655 prohibited the use of hounds in the hunting of bear and cougar, the program has dealt with an increasing number of bear and cougar complaints throughout the state.

Pursuant to the legislation, the Enforcement Program and Wildlife Program staff tabulated and analyzed complaint data to identify areas with high incidents of verifiable human/cougar interactions. Wildlife Program staff developed specific criteria to determine harvest numbers and areas based on the number and type of complaint. Enforcement staff compiled complaint history data and developed a training video to explain and familiarize successful permittees with the process. Suggested permit levels, permit areas, and justification were then submitted to the Fish and Wildlife Commission for final approval before a permit drawing could be conducted. Twenty-three cougar were taken under this program in Fiscal Year 2001, the first year of the new permit program.

In another effort to address increasing cougar and bear complaints, the Legislature authorized an additional eight positions within the Enforcement Program. The Enforcement Program has redeployed personnel and filled these positions in areas showing high numbers of verified complaints and human conflicts. The program continues to use this criteria as part of its

ongoing hiring and deployment process in prioritizing which stations to fill.

In March 2001, the Enforcement Program also created a new, one-stop, toll-free emergency/incident hotline service for reporting all dangerous wildlife and poaching incidents. The hotline was intended to provide more streamlined customer service, combining two former toll-free lines into one.

Initiative 713

In the November 2000 election, Washington voters passed Initiative 713, which limits the methods and conditions under which fur-bearing animals can be trapped. The initiative did, however, make a provision for addressing documented nuisance and/or problem wildlife under prescribed conditions with otherwise unauthorized traps. Prompted by the change in state law, the Fish and Wildlife Commission adopted rules to help guide the public and enforcement officers in implementing the new law. With adoption of new rules, the Enforcement Program took responsibility for administering a new permit program, under which citizens must apply for permission to trap damage-causing furbearers with certain types of body-gripping traps.

COUGAR AND BEAR COMPLAINTS 1999-2001 BIENNIUM

	COUGAR		BEAR	
	Year 1	Year 2	Year 1	Year 2
Human Encounters				
Sighting/Chance Encounters	334	348	184	126
Incident/Attack (a)	26	74	18	37
Non-Human Encounters				
Livestock or Pet Depredation/Other	334	519	423	316
Total Confirmed Complaints	694	941	625	479
Unconfirmed Complaints	218	214	18	43

(a) One encounter in the "Incident/Attack" category was a cougar attack occurring on 8/24/99 in Ferry County.

Sightings are defined as direct observations, in urban or rural settings, near individuals or residences, while chance encounters are singular situations wherein a person came in close proximity to a cougar or bear and a reasonable person would conclude it was not a deliberate act of the animal involved.

Incidents are defined as aggressive or unusual behavior by an animal which presents an actual or perceived threat to an individual, while an attack includes a physical attack by the animal.

Livestock or pet depredation and other encounters include incidents associated with property disturbance, property damage, and livestock/pet harassment, injury or kill.

PUBLIC SAFETY COUGAR REMOVAL

(as authorized by ESSB 5001
and Commission WAC)

FY 2001

GMU	Applicants	Permits Issued	Animals Taken
109	3	3	1
117	9	9	2
121	7	6	4
124	10	10	7
130	8	8	0
250	2	2	0
407	4	4	1
448	4	4	1
454	8	7	1
460	4	4	2
621	6	6	4
654	1	1	0
666	2	2	0
TOTAL	68	66	23

NOTE: Public Safety cougar removal permits were first issued late in calendar year 2000 and became effective in 2001.

SPECIAL TRAPPING PERMITS

January 1, 2001 through June 30, 2001

(as authorized by Initiative 713)

PERMITS ISSUED: 181

By County

Benton	4	Mason	11
Clallam	1	Okanogan	1
Clark	6	Pacific	7
Cowlitz	13	Pierce	6
Franklin	6	Skagit	3
Grant	3	Snohomish	13
Grays Harbor	18	Thurston	16
Jefferson	2	Wahkiakum	3
King	21	Walla Walla	2
Kitsap	1	Whatcom	4
Kittitas	7	Whitman	1
Klickitat	3	Yakima	8
Lewis	29		

By Species

Beaver	110	Muskrat	10
Black Bear	4	Nutria	7
Cougar	1	River Otter	7
Coyote	35	Porcupine	7
Moles	4	Raccoon	1
Mountain Beaver	2		

New Marine Division

On July 1, 2001, the Enforcement Program consolidated all marine detachments under one division to improve coordination and direct work activities between the marine detachments, the WDFW Fish Program and Intergovernmental Resource Management Group, the Pacific Fishery Management Council, North of Falcon participants, the National Marine Fisheries Service (NMFS), the U.S. Coast Guard (USCG), state Department of Health (DOH), and Enforcement's Statewide Investigations Unit (SIU). A Captain was assigned to develop the operations framework for the three WDFW marine detachments for Puget Sound and coastal waters.

The new Marine Division emphasized enforcement of selective salmon fisheries in the four salmon management areas, employing vessels, dock patrols, special investigations, and joint operations with the Oregon State Police, NMFS, the USCG, and Canada Oceans and Fisheries.

The increased presence of WDFW enforcement officers on the state's coastal waters appears to have paid dividends for wild salmon by increasing angler awareness and compliance with fish protection rules. Significantly, more than 95% of all anglers contacted by officers were found to be in compliance with a new rule that wild, unmarked coho be released unharmed. Meanwhile, compliance among anglers checked regarding salmon rules overall ranged from 85% to 90%.

Selective salmon fishery enforcement efforts during the past biennium revealed compliance rates of those contacted as noted below.

Compliance Issues

	FY 00	FY 01
Overall salmon regulations	85.4%	90.2%
Unmarked coho possession restrictions	98.0%	98.7%

Citations and warnings were issued for fishing without a license, failing to record salmon catch, improper gear, possessing fish over the limit and fishing in closed areas or during closed seasons, as well as boat safety violations and other non-fishing offenses.

Cooperative Fish Screen Compliance

During the biennium, the Enforcement Program, in cooperation with the Habitat Program, initiated an effort in the Walla Walla River Basin in response to federal listings of steelhead and bull trout under the Endangered Species Act. The program is designed to inform and assist landowners and irrigators in an effort to achieve compliance with current state laws regarding fish passage, screening of gravity diversions and pump stations, and obtaining permits required by the state hydraulics code for the operation and maintenance of such facilities.

The Cooperative Compliance Program is designed to inventory water diversions and pump stations in order to determine which sites currently are or are not in compliance with existing state screening laws. Staff assist landowners in identifying fish passage obstacles that may exist on property they own or control.

Landowners who have chosen to participate in this program have received assistance in identifying commercially available screen materials and devices that will bring their facilities into compliance with law and rules. They also have received assistance with the development and implementation of approved plans to correct fish passage issues. Additionally, landowners not operating their facilities with necessary permits have received guidance and assistance in obtaining those permits.

Applicants who meet eligibility requirements by possessing a current legal water right are eligible for cost-share assistance covering the acquisition of new screens and the development of fish passage facilities. Landowners who participate in the program and commit to an approved compliance plan are not at risk under state law.

These efforts have been institutionalized within the Enforcement Program and have resulted in the establishment of a new division. An acting captain was assigned to develop the framework for an Environmental Protection Division, which will coordinate with a myriad of players who will need to be in-

involved in this critical project as it is expanded further in the state.

By the end of the biennium, 314 landowners had chosen to participate in the program, identifying 424 non-compliant diversions. In addition, 81 site assessments had been completed, and \$738,000 from the Salmon Recovery Funding Board and the Bonneville Power Administration had been approved to provide funding for screen materials and devices.

FTEs and Staffing Update

The 1999-01 Biennium began with the rehiring of officers previously affected by the Department's reduction in force action in May 1998. As the biennium ended, a number of senior officers retired, and by the end of June 2001, more than 20 commissioned positions were vacant. Actual FTE expenditures for the biennium were 157.3 FTEs in FY 2000, and 169.4 FTEs in FY 2001.

In concert with the Department of Personnel (DOP), Enforcement retooled the testing process for Fish and Wildlife Officer 1 candidates. Candidate applications underwent an initial screening process by the DOP. Applicants also completed background questionnaires, a new component of the initial testing process.

The Enforcement Program found that applicants are self-screening once they complete this questionnaire. This has resulted in a dramatic drop in the overall number of candidates for the officer register, but has also led to a higher percentage of candidates who are successful in passing the polygraph and psychological portion of the testing process. Review of the background questionnaire prior to the initial written/oral test eliminates marginal candidates, and retains qualified individuals. Because of retirements and existing vacancies, Enforcement plans to offer employment to up to 20 new officers.

Enforcement Program Funding and Personnel, 1999-01 Biennium

(dollars in thousands)	GF-S		OTHER FUNDS		TOTAL	
	Funding	FTEs	Funding	FTEs	Funding	FTEs
Administration	\$997	6	\$977	6	\$1,974	12
Aviation/Shop	\$378	3	\$370	3	\$748	6
Field Operations	\$12,488	70	\$13,596	76	\$26,084	146
TOTAL	\$13,863	79	\$14,943	85	\$28,806	164

Accreditation

In August 2000, the Enforcement Program signed a contract with the Commission for Accreditation of Law Enforcement Agencies (CALEA) to begin the self-assessment process toward CALEA recognition. CALEA was created in 1979 by four major national law enforcement organizations to improve professional standards and promote excellence.

The CALEA Recognition Program includes 95 core requirements designed to help smaller or specialized law enforcement agencies to meet essential professional standards. Recognition is intended as a significant step toward full accreditation.

About 18% of the full-time police officers in the United States are members of agencies officially in the CALEA process. However, only two other state natural resource agencies are affiliated with CALEA: the Enforcement Section of the Delaware Division of Fish and Wildlife and the Indiana Department of Natural Resources.

The WDFW Enforcement Program is currently half way through the 24-month self-assessment process. During the first year of this process the program updated its policies and procedures to accurately reflect current operations and to comply with essential CALEA standards. The next step is an evaluation of changes necessary to the program's seizure-for-forfeiture and evidence-handling processes. Representatives of CALEA are scheduled to conduct an on-site evaluation of the program in the summer of 2002. If their assessment is favorable, the WDFW Enforcement Program is expected to gain CALEA recognition in the fall. ■

Officer Recognition, 1999-01

- **May 19, 2000:** Terry Hoffer, a State Fish and Wildlife Officer killed in the line of duty in 1984 while conducting a hunting license check, was honored posthumously with the Washington State Medal of Honor. The medal was presented to Hoffer's widow by Governor Gary Locke.
- **January 6, 2001:** Two Fish and Wildlife Officers performed a water rescue of a duck hunter whose boat had capsized in rough water at the mouth of the Nisqually River. The hunter was clinging to the side of the capsized boat and reportedly would not have survived had he not been rescued by the officers.
- **May 25, 2001:** A WDFW sergeant was awarded a U.S. Coast Guard (USCG) Silver Lifesaving medal by the USCG and Governor Gary Locke. The sergeant was honored for the rescue of a teenage girl in the ocean surf at Long Beach on June 3, 2000. A man on the beach, who had also attempted a rescue of the young woman, drowned in his efforts. The rescue at Long Beach was the second surf rescue performed by that sergeant in less than a year.
- **June 5, 2001:** A Fish and Wildlife officer responded to a "Mayday" call from a vessel in distress, located off Gedney Island. Using his onboard GPS plotter, the officer established the coordinates of the vessel. Upon arrival, two of the three individuals on board were unconscious. All three on board were subsequently airlifted to Harborview Medical Center in Seattle for treatment of carbon monoxide poisoning.
- **June 6, 2001:** Two Fish and Wildlife officers on shrimp season boat patrol in Hood Canal observed a plume of smoke coming from a vessel. Maneuvering through high winds and waves, the officers reached the boat and assisted in extinguishing the onboard fire. They also rescued a man, who was hypothermic after jumping into the water.